

Martin D. Edel
Adam J. Safer
570 Lexington Avenue
New York, New York 10022
(212) 336-3500

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONOPCO, INC. d/b/a UNILEVER,

Plaintiff,

-against-

INTERNATIONAL IP HOLDINGS, LLC,

Defendant.

No. 13 CV 18381 (GBD)

**NOTICE OF MOTION
TO DISMISS, OR
IN THE ALTERNATIVE
TRANSFER VENUE**

PLEASE TAKE NOTICE that, upon the complaint in this action, the Declaration of Scott Henderson, dated March 21, 2013, the Declaration of Martin D. Edel, dated March 21, 2013 and the exhibits thereto, defendant International IP Holdings, LLC, will move this Court (Hon. George B. Daniels), as soon as counsel may be heard, in the United States Courthouse at 500 Pearl Street, Courtroom 11A, New York, New York, for an order: (i) dismissing the complaint on the ground that a prior action involving the same issues, *International IP Holdings, LLC v. Conopco, Incorporated d/b/a Slim-Fast Foods Company*, 13 Civ. 11188 (JCO) (MJH), is pending in the United States District Court for the Eastern District of Michigan, or, alternatively (ii) pursuant to 28 U.S.C. § 1404(a) transferring the action to the Eastern District of Michigan, where the center of gravity of this action is located.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), any opposing affidavits and answering memoranda shall be served on or before April 4, 2013.

Dated: March 21, 2013

Respectfully submitted,

MILLER & WRUBEL P.C.

By:


Martin D. Edel
Adam J. Safer
570 Lexington Avenue
New York, New York 10022
(212) 336-3500

Attorneys for Defendant

To: Gregory P. Gulia
Vanessa C. Hew
DUANE MORRIS LLP
1540 Broadway
New York, NY 10036-4086
(212) 692-1000

Attorneys for Plaintiff